

## **DECISION ON RESOLUTION OF THE QUESTIONS OF IMPLEMENTATION**

*Party concerned: Slovakia*

In accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, contained in the annex to decision 27/CMP.1 (procedures and mechanisms),<sup>1</sup> and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (rules of procedure),<sup>2</sup> the enforcement branch adopts the following decision.

### **I. BACKGROUND**

1. The final decision of the enforcement branch taken on 17 August 2012 (CC-2012-1-9/Slovakia/EB) gave effect to the consequences contained in paragraph 30 of the preliminary finding of the branch, as confirmed by and annexed to the final decision. According to subparagraph (a) of that paragraph, Slovakia was declared to be in non-compliance and according to subparagraph (b), Slovakia was required to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV. Slovakia was invited to submit this plan before the in-country review of its 2012 annual submission and inform the branch of its preparations for this in-country review as part of this plan.

2. On 20 September 2012, Slovakia submitted a document entitled “Plan and Progress Report of the Slovak Republic under Section XV of the annex to decision 27/CMP.1 (Procedures and Mechanisms Relating to Compliance under the Kyoto Protocol)” (CC-2012-1-10/Slovakia/EB; plan and progress report), in accordance with paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure. In accordance with paragraph 2 of rule 10 of the rules of procedure, the plan and progress report were deemed received by the branch on 21 September 2012.

3. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch reviewed and assessed the plan submitted by Slovakia during its twenty-first meeting held in Bonn from 22 to 24 October 2012 to, inter alia, review and assess the plan.<sup>3</sup> On 24 October 2012, the branch adopted a decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2012-1-12/Slovakia/EB) that concluded that the plan sets out and adequately addresses each of the elements specified in paragraph 2 of section XV and, if implemented in accordance with that decision, is expected to remedy the non-compliance. The branch noted that not all the measures described in the plan had yet been implemented and urged Slovakia to carry out all the measures contained in the plan.<sup>4</sup>

4. On 15 March 2013, Slovakia submitted the second progress report on the implementation of the plan it had submitted pursuant to the final decision of the enforcement branch (CC-2012-1-13/Slovakia/EB). In this report, Slovakia requested the branch to conclude that “the Slovak national

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<sup>1</sup> All section references in this document refer to the procedures and mechanisms.

<sup>2</sup> All references to the rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

<sup>3</sup> Item 4 of the agenda of the twenty-first meeting of the enforcement branch, contained in document CC/EB/21/2012/2.

<sup>4</sup> Paragraph 8, decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2012-1-12/Slovakia/EB).

system is in full compliance with the Guidelines for national systems”<sup>5</sup> and the “[p]lan and two progress reports has already sufficiently remedied the non-compliance of the Slovak Republic”.

5. At its twenty-second meeting held from 22 to 23 March 2013, the branch indicated that it could not yet come to a conclusion on whether the questions of implementation with respect to Slovakia had been resolved. The branch reiterated that receipt of the report of the review of the annual submission of Slovakia submitted in 2012 is required for it to determine whether the questions of implementation have been resolved.<sup>6</sup>

6. On 6 June 2013, the secretariat received the report of the expert review team (ERT) of the individual review of the annual submission of Slovakia submitted in 2012 (2012 annual submission) contained in document FCCC/ARR/2012/SVK (2012 ARR). The 2012 ARR resulted from an in-country review, which was conducted from 1 to 6 October 2012 in accordance with the “Guidelines for review under Article 8 of the Kyoto Protocol” (annex to decision 22/CMP.1). In accordance with paragraph 3 of section VI, the secretariat forwarded the 2012 ARR to the Compliance Committee, including the members and alternate members of the enforcement branch on 7 June 2013.

7. On 19 June 2013, the branch decided to invite three experts drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2012-1-14/Slovakia/EB). Two experts were part of the ERT that conducted the in-country review referred to in paragraph 6 above and one expert was one of the lead reviewers of the ERT that prepared the individual review of the annual submission of Slovakia submitted in 2011 contained in document FCCC/ARR/2011/SVK.

8. The branch addressed the questions of implementation with respect to Slovakia<sup>7</sup> during its twenty-third meeting held in Bonn from 3 to 4 July 2013 to, inter alia, consider this matter.<sup>8</sup> Slovakia was represented at this meeting in accordance with paragraph 2 of section VIII and made a statement. The branch received advice from the three invited experts during the meeting.

## II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED

9. In its deliberations, the branch considered the 2012 ARR, the plan and progress reports, the information submitted and presented by Slovakia and the invited experts during the twenty-second and twenty-third meetings of the branch, both orally and in writing, and advice from the experts invited by the branch.

10. In the 2012 ARR, the ERT found that:

- (a) most of the measures included in the plan and progress report have been implemented;<sup>9</sup>
- (b) Slovakia’s national system is performing its required functions generally in accordance with the requirements set out in the annex to decision 19/CMP.1, although the final effect will be fully visible in the 2013 annual submission;<sup>10</sup>
- (c) parts of the national system relating to formal contracts and agreements with other agencies and organizations are in preparation but not yet fully in place;<sup>11</sup>
- (d) Slovakia’s national system has been strengthened by enlarging the inventory team and through establishing strong formal relationships and cooperation between institutions;<sup>12</sup>

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<sup>5</sup> These guidelines are the “Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol” (annex to decision 19/CMP.1).

<sup>6</sup> CC/EB/22/2013/3, paragraph 9.

<sup>7</sup> Paragraph 4, decision on preliminary examination (CC-2012-1-2/Slovakia/EB).

<sup>8</sup> Item 4 of the agenda of the twenty-third meeting of the enforcement branch, contained in document CC/EB/23/2013/1.

<sup>9</sup> 2012 ARR, paragraph 17.

<sup>10</sup> 2012 ARR, paragraph 17.

<sup>11</sup> 2012 ARR, paragraphs 17, 18 and 164.

- (e) Slovakia has improved its quality assurance and quality control (QA/QC) plan, and introduced regular training of national inventory system experts on the principles of QA/QC requirements and activities.<sup>13</sup>

11. While no questions of implementation were identified by the ERT during the review, the ERT also found that several recommendations from previous reports have not yet been implemented<sup>14</sup> and several measures were planned to be implemented before the 2013 annual submission.<sup>15</sup>

12. During its presentation at the meeting and in its plan and progress reports, Slovakia provided an overview of the measures undertaken to remedy the non-compliance. In response to questions from the branch, Slovakia clarified that most of the measures in its plan had been implemented and the remaining few were being implemented. It also stated that the implementation of most of the measures has been reported in the 2013 annual submission; some of the measures will be reported on in a resubmission of the 2013 national inventory report; and the remaining few measures, including those related to data for composting of industrial waste, and refinery and petrochemical industry, will be reported on in the 2014 annual submission.

13. During the meeting, the invited experts referred to in paragraph 7 above, provided advice on the questions raised in the decision on expert advice referred to in paragraph 7 above and posed at the twenty-third meeting. This advice indicated that Slovakia had strengthened its national system and there had been a major improvement in the 2012 annual submission as compared with the 2011 annual submission. Although not all improvements, as included in the plan, had been implemented, the experts confirmed that Slovakia's national system is generally in accordance with the annex to decision 19/CMP.1.

### III. REASONS AND CONCLUSIONS

14. The branch concludes, on the basis of the information submitted, presented and considered, that the information now available is sufficient to determine that the questions of implementation have been resolved.

15. The branch notes that not all the measures described in Slovakia's plan have yet been implemented. The branch urges Slovakia to fully implement the measures contained in its plan and to include a progress report on the implementation of the plan in its 2014 annual submission.

### IV. DECISION

16. In accordance with paragraph 2 of section X, the branch decides that there no longer continues to be a question of implementation with respect to Slovakia.

*Members and alternate members participating in the consideration and elaboration of the decision:* Victor FODEKE, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Sebastian MARINO, Sebastian OBERTHÜR, Oleg Shamanov.

*Members participating in the adoption of the decision:* Mohammad ALAM (alternate member serving as member), Sandea JGS DE WET, Raúl ESTRADA-OYUELA, Victor FODEKE, Alexander KODJABASHEV, René LEFEBER, Gerhard LOIBL, Sebastian MARINO (alternate member serving as member), Ainun NISHAT, Sebastian OBERTHÜR.

This decision was adopted by consensus in Bonn on 4 July 2013.

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<sup>12</sup> 2012 ARR, paragraph 165.

<sup>13</sup> 2012 ARR, paragraphs 35, 36 and 166.

<sup>14</sup> 2012 ARR, paragraph 47.

<sup>15</sup> 2012 ARR, paragraph 168.